

UPDATED INFORMATIVE DIGEST

Current statutes and regulations establish the provisions necessary for CDSS licensure and oversight of Adult Residential Facilities and Group Homes, as well as for the care and protection of the individuals who live in those facilities. The regulations in this package involve three primary areas where the CDSS will now license and enforce several types of services for its clients: Enhanced Behavioral Supports Homes (EBSHs), Secured Perimeters, and Emergency Intervention. They are closely related because they will either automatically apply or are likely to generally apply to the expected increase in care for developmentally disabled individuals who are currently largely housed in the developmental centers operated under the California Department of Developmental Services (DDS). As discussed in the statement of reasons for the EBSHs, the new law creating those homes specifically assigned both CDSS and DDS crucial roles in overseeing, licensing and enforcing regulations for those individuals. Therefore those roles are not only intertwined between those two departments, but also closely related to the roles of potential use of Secured Perimeters and/or Emergency Intervention in those new facilities. For that reason, these are all closely related regulations and best assessed and promulgated as a whole, rather than various pieces. Since the new statutes call for emergency status for the EBSHs regulations, the additional crucial components regarding Secured Perimeters and Emergency Interventions have equal urgency and call for immediate promulgation. This is necessary in order to maintain immediate preservation of public peace, health and safety as well as the general welfare of the population that will be served by the EBSHs.

The CDSS has determined that the proposed EBSH regulations will affect Adult Residential Facilities and Group Homes. These regulations will be adopted to implement Senate Bill (SB) 856 (Chapter 30, Statutes of 2014) that established EBSH as a subcategory of Adult Residential Facilities and Group Homes, which requires certification by the DDS and licensure by the CDSS.

In order to ensure all the necessary provisions are established in Title 22 of the California Code of Regulations to successfully license the EBSH subcategory, the following provisions must also be included:

- Emergency intervention provisions as developed from SB 130 (Chapter 750, Statutes of 2003), which provide the requirements to establish regulations specific to the use of physical restraints and seclusions in Adult Residential Facilities.
- Secured perimeters provisions as developed from Assembly Bill (AB) 1472 (Chapter 25, Statutes of 2012), which authorize the installation of secured perimeters around Adult Residential Facilities and Group Homes that utilize delayed egress devices.

These regulations were considered at the public hearing held on April 19, 2017 in Sacramento, California. No oral or written testimony was received during the 45-day comment period from March 3 to April 19, 2017 and no further amendments to the emergency regulations are proposed.

Upon further review of the rulemaking file, it was discovered the Local Mandate Statement wrongly stated the "regulations do impose a mandate upon local agencies" when in fact they do not impose a

mandate on local agencies. Implementation of these regulations only impact licensees that make the business decision to admit the clients which would require these regulatory provisions. There is no requirement for licensees to work with clients that present behavioral issues.

Pursuant to Government Code Section 11346.8, a 15-day renote was made available to the public following the public hearing to correct the Local Mandate Statement. No written testimony on the modifications renoted for public comment from June 27 to July 12, 2017 was received.